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<p align="center">State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION</p> <p align="right">PUBLIC MATTER</p>		
<p>Counsel For The State Bar</p> <p>Mia R. Ellis Deputy Trial Counsel 1149 South Hill Street Los Angeles, CA 90015 213-765-1380</p> <p>Bar # 228235</p>	<p>Case Number(s): 12-O-10811 12-O-16394 13-O-10007</p>	<p>For Court use only</p> <p align="center">FILED MAR 11 2013 STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Jang Kang (Co-Counsel) The Law Offices of Victor Hobbs 17981 Sky Park Circle, Suite C Irvine, CA 92614 949-221-9700</p> <p>Bar # 274781</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: VICTOR HOBBS</p> <p>Bar # 80191</p> <p>A Member of the State Bar of California (Respondent)</p>	<p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 23, 1978.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 15 pages, not including the order.

(Effective January 1, 2011)

Actual Suspension

- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☒ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☐ Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☒ **Prior record of discipline** [see standard 1.2(f)]
 - (a) ☒ State Bar Court case # of prior case 91-O-06249
 - (b) ☒ Date prior discipline effective April 14, 1994
 - (c) ☒ Rules of Professional Conduct/ State Bar Act violations: 4-100(B)(4) and 4-100(A)
 - (d) ☒ Degree of prior discipline Private Reprimand
 - (e) ☒ If Respondent has two or more incidents of prior discipline, use space provided below.

State Bar Court Case number 94-O-12116, Effective November 8, 1995, Stipulated to violating Rules of Professional Conduct, Rule 3-110(A) and 3-700(D)(2), Degree of Discipline was public reprimand. Please see stipulation at page 12 for further discussion of prior.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. Please see stipulation at page 12

- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. Please see stipulation at page 12
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.

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- (11) ☒ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. Please see stipulation at page 12
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Please see stipulation at page 12

D. Discipline:

(1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of 3 years.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

- (b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be placed on probation for a period of 3 years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

(3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of 2 years actual.
- i. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☒ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input checked="" type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

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- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: _____
- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____
- (5) ☐ **Other Conditions:** _____

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In the Matter of: VICTOR HOBBS	Case Number(s): 12-O-10811, 12-O-16394, 13-O-10007
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Financial Conditions

a. Restitution

- ☒ Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Chan Jeong	\$9,455	September 21, 2012
Robert Meseer	\$4,900	January 26, 2011
Corrieann Marlow	\$7,500	April 10, 2012

- ☐ Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

b. Installment Restitution Payments

- ☐ Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- ☐ If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

c. Client Funds Certificate

- ☐ 1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

b. Respondent has kept and maintained the following:

- i. A written ledger for each client on whose behalf funds are held that sets forth:
 1. the name of such client;
 2. the date, amount and source of all funds received on behalf of such client;
 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 4. the current balance for such client.
- ii. a written journal for each client trust fund account that sets forth:
 1. the name of such account;
 2. the date, amount and client affected by each debit and credit; and,
 3. the current balance in such account.
- iii. all bank statements and cancelled checks for each client trust account; and,
- iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.

c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:

- i. each item of security and property held;
- ii. the person on whose behalf the security or property is held;
- iii. the date of receipt of the security or property;
- iv. the date of distribution of the security or property; and,
- v. the person to whom the security or property was distributed.

2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

d. **Client Trust Accounting School**

- ☐ Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF:

VICTOR HOBBS

CASE NUMBER(S):

12-O-10811, 12-O-16394, 13-O-10007

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 12-O-10811 (Complainant: Chan Jeong)

FACTS:

1. On October 29, 2008, Soo-Youn Han ("Plaintiff") filed a civil action involving Sookyung Chang ("Chang"). Chan Jeong ("Jeong") represented Plaintiff.
2. At all relevant times alleged herein, Respondent was the attorney of record for Chang in the Adversary action.
3. On June 4, 2009, Chang filed for Chapter 7 Bankruptcy, in the United States Bankruptcy Court, Central District of California, *In re: Sookyung Chang*, Case No. 2:09-bk-23981-ER (the "Bankruptcy action").
4. On or about August 31, 2009, Jeong filed an adversary action in Chang's Bankruptcy action on behalf of Plaintiff, entitled *Soo-Youn Han v. Sookyung Chang*, Case No. 2:09-ap-02059-ER (the "Adversary action").
5. On January 20, 2010, in the Adversary action, Plaintiff filed a "Motion to Compel Initial Disclosure and Request for Sanctions" due to Respondent and Chang's failure to submit Initial Disclosure pursuant to the Federal Rules of Civil Procedure Rule 26(a) and to meet and confer. Plaintiff sought \$2,040.00 in monetary sanctions.
6. On March 23, 2010, the Bankruptcy Court denied Plaintiff's motion to compel disclosure, but granted Plaintiff's request for sanctions against Respondent and Chang. The Bankruptcy Court ordered Respondent to pay Plaintiff a total of \$2,040.00 in sanctions. Respondent received the order.
7. Respondent did not pay the \$2,040.00 in sanctions.
8. On May 11, 2010, in the Adversary action, Plaintiff filed a "Motion for Order Compelling Further Responses to Document Requests Attached to Deposition Notice and Appearance of Sookyung Chang at Deposition; Request for Sanctions for Discovery Misuses and Failure to Comply with Court Order." Plaintiff sought a total of \$6,250.00 in monetary sanctions.

against Respondent and Chang pursuant to Federal Rules of Civil Procedure, Rule 37, based on Respondent's failure to pay the \$2,040.00 in sanctions pursuant to the Court's March 23, 2010 order, and the failure of Respondent and Chang to produce requested documents, answer questions asked at deposition, and allow Jeong to inspect Chang's property.

9. On June 30, 2010, the Bankruptcy Court granted Plaintiff's motion, and ordered Respondent and Chang, jointly or severally, to pay Plaintiff a total of \$5,790.00 in monetary sanctions (\$3,750 for the May 11, 2010 motion + \$2,040 for the March 23, 2010 order), no later than July 12, 2010. Respondent received the order.
10. Respondent did not pay the \$5,790.00 in monetary sanctions by July 12, 2010.
11. On October 26, 2010, in the Adversary action, Plaintiff filed a Motion for Order Requesting Sanctions. Plaintiff sought \$9,455.00 in sanctions, pursuant to Federal Rules of Civil Procedure, Rule 37, based on the failure of Respondent and Chang to pay sanctions in violation of the March 23, 2010 and June 30, 2010 orders (\$3,665 for the motion + \$5790 from the Court's June 30, 2010 order).
12. On June 8, 2011, the Bankruptcy Court ordered Respondent and Chang to immediately pay a total of \$9,455.00 in monetary sanctions to Plaintiff. Respondent received the order and did not pay the sanctions.
13. On June 21, 2012, in the Adversary action, the Bankruptcy court further ordered Respondent to pay the previously ordered sanctions no later than September 7, 2012.
14. Respondent received the order and did not pay the sanctions by September 7, 2012.

CONCLUSIONS OF LAW:

15. By repeatedly failing to pay monetary sanctions ordered by the Bankruptcy court on March 23, 2010, June 30, 2010, June 8, 2011 and June 21, 2012, Respondent wilfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in wilful violation of Business and Professions Code Section 6103.

Case No. 12-O-163394 (Complainant: Robert Meseer)

FACTS:

16. In April 2010, Robert Meseer ("Meseer") hired Respondent to represent him in a civil suit entitled *Robert Meseer v. Olh Investment*. Respondent substituted into the case.
17. The case proceeded to trial and the judge found in favor of Olh Investment.
18. On November 3, 2010, counsel for Olh Investment filed a motion for attorney's fees ("motion"). The motion was set for a January 14, 2011 hearing. Opposing counsel served Respondent with the motion. Respondent received the motion.

19. Respondent did not file a response to the motion. He also failed to appear at the January 14, 2011 hearing.
20. On January 26, 2011, a judgment was issued against Meseer, ordering him to pay attorneys fees and costs in the amount of \$19,410. Respondent was served with the judgment.
21. Respondent failed to inform Meseer about the judgment.
22. On April 4, 2011, a Notice of Entry of Judgment was filed with the Court.
23. From May 2011 to September 2012, Meseer's bank account was levied \$4,900 to pay the judgment.
24. On September 2012, Meseer negotiated with the defendants to resolve the judgment.
25. On September 18, 2012, an Acknowledgement of Satisfaction of Judgment was filed with the Court.

CONCLUSIONS OF LAW:

26. By failing to file a response to the motion for attorney's fees and failing to appear at the hearing, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).
27. By failing to inform Meseer that there was a judgment against him for \$19,410, Respondent failed to inform Meseer of significant events in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

Case No. 13-O-10007 (Complainant: Corrieann Marlow)

FACTS:

28. On April 10, 2012, Corrieann Marlow ("Marlow") retained Respondent for loan modification services.
29. From April 2012 to August 2012, Marlow paid Respondent \$7500. At the time Respondent received the advanced fees from Marlow, he had not completed all of the loan modification services he had agreed to perform.

CONCLUSIONS OF LAW:

30. By agreeing to negotiate a mortgage loan modification for Marlow and collecting \$7500 in advanced fees from Marlow when Respondent had not completed all loan modification services he had agreed to perform, Respondent negotiated, arranged or otherwise offered to perform a mortgage loan modification for a fee paid by the borrower, and demanded, charged, collected or received such fee prior to fully performing each and every service Respondent had contracted to perform or represented that she would perform, in violation of

Section 2944.7(a)(1) of the Civil Code, and thereby wilfully violated Business and Professions Code section 6106.3(a).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline: Effective November 8, 1995 (Case Number 94-O-12116) Respondent stipulated to a public reproof, for six months probation, for violating Rules of Professional Conduct rule 3-110(A), and 3-700(D)(2) in one client matter for failing to serve a complaint. Respondent made \$200 in restitution to his client. The misconduct in this case occurred between November 1990 and January 1991.

Effective April 14, 1994 (Case Number 91-O-06249), Respondent stipulated to a private reproof for violating Rules of Professional Conduct rule 4-100(B)(4) and 4-100(A), for failing to maintain funds in trust that were designated to pay a medical lien. The misconduct in this case occurred between August 1989 and June 1991. Respondent paid the medical lien before the notice to show cause was filed.

Harm: The current misconduct caused harm to Respondent's client Meseer. In this case, since Respondent failed to respond to the motion for attorney's fees or appear at the hearing, Meseer was not afforded the opportunity to oppose or argue against the motion. Moreover, Respondent accepted advanced fees from Marlow for a loan modification, during a time when she was financially distressed and he has not refunded those fees. (Standard 1.2(b)(iv))

Multiple/Pattern of Misconduct: Respondent's conduct in these three client matters involve four acts of misconduct, including repeatedly violating four court orders. However, the cases do not evidence a pattern of misconduct as it did not extend over a prolonged course of time. (*Young v. State Bar*, (1990) 50 Cal.3d 1204) (Standard 1.2(b)(ii))

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

Good Character: Respondent has demonstrated his good character by providing letters from a wide range of references in the legal and general communities, including an attorney colleague, current and former clients and friends, who all know about the misconduct. (Standard 1.2(b)(vi))

ADDITIONAL MITIGATING CIRCUMSTANCES:

Candor/Cooperation: Respondent has been cooperative in stipulating to facts and conclusions of law. Entering into a Stipulation deserves varying amounts of mitigation. (*In the Matter of Connor* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 93, 107.) The greatest weight is afforded to those stipulations of facts not easily proven or stipulations to level of discipline. (*In the Matter of Silver* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 902, 906.) The facts in the instant matters could have been proven by documentary evidence and witness testimony. Thus, Respondent's cooperation is entitled to some but not great weight in mitigation.

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for

Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are “the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession.” (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to “great weight” and should be followed “whenever possible” in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Standard 1.7(b) provides that a third imposition of discipline shall be disbarment unless the most compelling circumstances clearly predominate. However, “merely declaring that an attorney has two impositions of discipline, without more analysis, may not adequately justify disbarment in every case.” (*In the Matter of Miller* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptrt. 131, 136.) In *Howard v. State Bar*, (1990) 51 Cal.3d 215, 221-222, the Court opined that it “is not bound to follow the standards in a talismanic fashion. As the final and independent arbiter of attorney discipline, we are permitted to temper the letter of the law with considerations peculiar to the offense and the offender.”

Upon consideration of the “offense and offender” in the instant case, it would be manifestly unjust to apply Standard 1.7(b). Respondent’s last prior record of discipline occurred nineteen years ago and resulted in a public reproof. The case involved a single client matter and Respondent made restitution of \$200 in unearned fees. In his first record of discipline, a private reproof, Respondent paid the medical lien before the notice to show cause was filed. The misconduct for both priors, overlapped in time, with the failure to maintain violation spanning two years.

In addition, in the instant case, Respondent has provided evidence of mitigation, including character letters, and he has been forthright and candid throughout the proceedings. Given the remoteness of Respondent’s prior discipline, the limited time both priors occupied, and the fact that there is no indication of client harm, disbarment is not justified in this case. (See *In the Matter of Meyer* (Review Department 1997) 3 Cal. State Bar Ct. Rptrt. 697, 704, [the court found that “the nature and extent of respondent’s two prior records of discipline are not sufficiently severe to justify our recommending disbarment in this proceeding under standard 1.7(b)”].); (See also, *In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptrt. 208, 217 [Where Respondent’s prior record of two reprovals involved inattention to the needs of clients, misconduct of different nature than the drunk driving convictions involved in Respondent’s third proceeding, Respondent’s prior disciplinary record did not warrant disbarment, but did constitute a proper aggravating factor]).

Respondent admits to committing four acts of professional misconduct. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards.

Given that the application of Standard 1.7(b) would be unjust, Standard 2.6 is the controlling standard. Standard 2.6 provides that culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on the gravity of the offense or harm: 6103 and 6068(m). Based on Standard 2.6, the minimum level of discipline that should be imposed on Respondent is a suspension.

Since Standard 2.6 does not specify a specific level of discipline, case law provides some guidance. In *Arm v. State Bar* (1990) 50 Cal. 3d 763, 778-779, 781 The Supreme Court ordered that petitioner Arm be suspended from the practice of law for a period of five years and that execution of the order of suspension be stayed and he be placed on probation for a period of five years, subject to the condition that he shall be actually suspended from practicing law for eighteen months for misleading a court and for multiple additional acts of misconduct, including trust fund violations. The court found no common thread and no evidence that Arm had engaged in 'a repetition of offenses' for which he had previously been disciplined. The court considered a lack of significant harm resulting from Arm's misconduct and the absence of bad faith in mitigation of misleading a judge. Respondent had three prior records of discipline.

Here, Respondent's failure to comply with multiple court orders was serious. Most aggravating is the harm to Respondent's client Meseer for whom he failed to perform, which is the same offense Respondent committed in his first prior record of discipline. Thus, while his first offense occurred nineteen years ago, making disbarment too severe, a longer period of actual suspension than the Court imposed in *Arm* is proper. Also, in the instant case, Respondent has yet to pay sanctions that were ordered in 2010. Therefore, given the facts and circumstances, it is appropriate that Respondent remain on actual suspension until all restitution is made. (See *In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 940 [The Court found that "ultimately, the proper recommendation of discipline rests on a balanced consideration of the unique factor in each case."]).

In view of Respondent's misconduct, and balancing the standards, case law, and mitigating and aggravating evidence, the parties stipulate that two years actual suspension and until Respondent pays restitution, and, and until he shows rehabilitation and present fitness to practice law pursuant to standard 1.4(c)(ii) is appropriate to protect the public and to preserve public confidence in the profession.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was February 15, 2013.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 15, 2013, the prosecution costs in this matter are \$8348.74. Respondent further acknowledges that this is an estimate and that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MCLE CREDIT

Pursuant to rule 3201, Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of:
VICTOR HOBBS

Case number(s):
12-O-10811, 12-O-16394, 13-O-10007

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

2/20/2013
Date

Victor J. Hobbs
Respondent's Signature

VICTOR HOBBS
Print Name

2.19.13
Date

Jang Kang
Respondent's Counsel Signature

JANG KANG
Print Name

2/21/13
Date

Mia Ellis
Deputy Trial Counsel's Signature

MIA ELLIS
Print Name

(Do not write above this line.)

In the Matter of:
VICTOR HOBBS

Case Number(s):
12-O-10811, 12-O-16394, 13-O-10007

ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

Page 7: Financial conditions: The box in paragraph a. [Restitution] is deemed checked and the following language added: "the end of Respondent's probation." This amendment is intended to make clear that Respondent is obligated to fulfill his restitution obligation during the period of his probation.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

3/6/13



Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 11, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

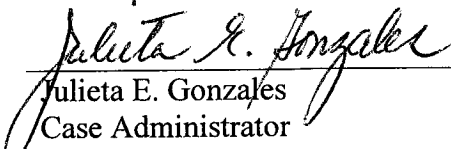
VICTOR EDWARD HOBBS ESQ
17981 SKY PARK CIR STE 'C'
IRVINE, CA 92614

JANG H. KANG ESQ
17981 SKY PARK CIRCLE, SUITE C
IRVINE, CA 92614

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Mia R. Ellis, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 11, 2013.



Julieta E. Gonzales
Case Administrator
State Bar Court